

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JEREMY GREENE and CETARIA  
WILKERSON, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

GERBER PRODUCTS CO. a corporation d/b/a  
NESTLE NUTRITION, NESTLE INFANT  
NUTRITION, and NESTLE NUTRITION  
NORTH AMERICA,

Defendant.

Civil Action No. 16-cv-1153

**DECLARATION OF  
GEOFFREY W. CASTELLO**

GEOFFREY W. CASTELLO, declares:

1. I am an attorney at law duly authorized to practice before this Court and am a member of the law firm of Kelley Drye & Warren LLP counsel for Defendant Gerber Products Co. (“Gerber”). I make this declaration in support of Gerber’s Motion to Dismiss, Stay and Strike Allegations From Plaintiffs’ Class Action Complaint.

2. Annexed hereto as Exhibit 1 is a true and correct copy of a letter from the Federal Food and Drug Administration (“FDA”) to Nestlé Nutrition dated May 24, 2011. This letter is publicly available and can be found at <http://www.fda.gov/Food/IngredientsPackagingLabeling/LabelingNutrition/ucm256731.htm> (last accessed August 8, 2016).

3. Annexed hereto as Exhibit 2 is a true and correct copy of the Complaint filed in the action styled *Federal Trade Commission v. Gerber Products Co.*, No. 2:14-cv-06771-SRC-CLW (D.N.J. filed Oct. 29, 2014).

4. Annexed hereto as Exhibit 3 is a true and correct copy of a letter from the FDA to Nestlé Infant Nutrition, dated October 31, 2014. This letter is publicly available and can be found at

<http://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2014/ucm423087.htm> (last accessed August 8, 2016).

5. Annexed hereto as Exhibit 4 is a true and correct copy of a letter from the FDA to Nestlé Infant Nutrition, dated July 13, 2015. This letter is publicly available and can be found at

<http://www.fda.gov/ICECI/EnforcementActions/WarningLetters/2015/ucm454778.htm> (last accessed August 8, 2016).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the law of the United States of America that the foregoing is true and correct.

Executed: August 10, 2016

/s/ Geoffrey W. Castello  
Geoffrey W. Castello